

Message Text

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20

ACTION EB-11

INFO OCT-01 ARA-16 IO-14 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 SP-03 AID-20 NSC-07 RSC-01 CIEP-02 SS-20

STR-08 OMB-01 CEA-02 CIAE-00 COME-00 FRB-02 INR-10

NSAE-00 XMB-07 OPIC-12 LAB-06 SIL-01 AF-10 EA-11

EUR-25 NEA-14 OIC-04 L-03 H-03 DODE-00 PA-04 USIA-15

PRS-01 AGR-20 SWF-02 TAR-02 DRC-01 /259 W

----- 130645

O R 240343Z JUN 74

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 2375

DEPT OF TREASURY IMMEDIATE

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

LIMITED OFFICIAL USE MEXICO 5296

E.O. 11652: N/A

TAGS: EGEN, UNCTAD

SUBJECT: UNCTAD CHARTER OF ECONOMIC RIGHTS AND DUTIES:
MNCS

REF: (A) MEXICO 5289 (B) MEXICO 5255

1. SEPTTEL REPORTS SLIGHT DEVELOPMENTS OF MANY HOURS OF
NEGOTIATION IN CASTANEDA-CHAIRER GROUP ON CLUSTER OF
NATIONALIZATION ISSUES. THIS MESSAGE DEALS WITH NEW
POSSIBILITY ON MNCS.

2. IN NEGOTIATING GROUP, GROUP OF 77 AND USG MAINTAINED
THEIR CURRENT MNC PROPOSALS. AUSTRALIANS INTRODUCED
PROPOSAL REPORTED REFTTEL (A), WHOSE PROVISIONS RELATING
TO MNC RIGHTS, I.E., LAST SENTENCE, REJECTED BY GROUP OF
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77. CASTANEDA ARGUED THAT MNCS HAVE NO RIGHTS UNDER

INTERNATIONAL LAW, BUT CONCLUDED BY SAYING THAT THEY HAD THE SAME RIGHTS AS OTHER FOREIGN INVESTORS UNDER NATIONAL LAW. FREELAND (U.K.) PICKED THAT UP TO SUGGEST POSSIBLE COMPROMISE, I.E., THAT MNCs ENJOY THE SAME RIGHTS AS ANY OTHER FOREIGN PERSON. IT WAS FINALLY AGREED IN GROUP TO COMMISSION AUSTRALIAN REP (BRENNAN) TO PRESENT COMPROMISE TEXT ADJUSTED TO VIEWS OF ALL JUNE 24 AM. SCHWEBEL AND BRADFIELD REVIEWED THAT TEXT WITH BRENNAN JUNE 23. HE PLANS TO SUBMIT FOLLOWING, AND ALSO TO SAY TO CASTANEDA BEFORE THAT HE THINKS IT SHOULD FILL THE BLANK PARA OF PROPOSAL PASSED TO CASTANEDA BY HIM AND LEE (REFTEL B).

3. QUOTE EVERY STATE HAS THE RIGHT WITHIN ITS NATIONAL JURISDICTION TO REGULATE AND SUPERVISE THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS AND TO TAKE MEASURES TO ENSURE THAT SUCH ACTIVITIES COMPLY FULLY WITH ITS LAWS, RULES AND REGULATIONS. TRANSNATIONAL CORPORATIONS SHALL RESPECT THE SOVEREIGNTY AND LAWS OF THE COUNTRIES IN WHICH THEY OPERATE, REFRAINING FROM ANY INTERVENTION IN THEIR INTERNAL AFFAIRS AND SHALL ENJOY THE SAME RIGHTS AND FULFILL THE SAME OBLIGATIONS AS ANY OTHER FOREIGN PERSON. ALL STATES SHOULD COOPERATE IN GOOD FAITH WITH RESPECT TO THE APPLICATION OF THEIR LAWS TO TRANSNATIONAL CORPORATIONS. UNQUOTE

4. WE THINK THAT THIS TEXT IS ADEQUATE. DEPT'S VIEWS REQUESTED SOONEST. JOVA

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Message Attributes

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30 JUN 2005

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